

I certify that the attached is a true and  
correct copy of HB 2432 which  
was filed of record on MAR 09 1989

1989 APR -3 AM 10:43

HOUSE OF REPRESENTATIVES

and referred to the committee on:

Cultural & Historical Resources

*Betty Messing*

Chief Clerk of the House

FILED MAR 9 1989

By Wallace

H. B. No. 2432

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of a commission to  
coordinate the celebration of the bicentennial of the birth of Sam  
Houston.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. COMMISSION. (a) The Sam Houston Bicentennial  
Celebration Commission is composed of nine appointed members and  
three ex officio members. Three members shall be appointed by the  
governor, three members shall be appointed by the lieutenant  
governor, and three members shall be appointed by the speaker of  
the house of representatives.

(b) The members appointed by the governor shall be  
representatives of the public. The members appointed by the  
lieutenant governor shall be members of the senate at the time of  
their appointment. The members appointed by the speaker of the  
house of representatives shall be members of the house of  
representatives at the time of their appointment.

(c) A member of the state legislature vacates the person's  
position on the commission if the person ceases to be a member of  
the legislature. A vacancy is filled by the appointing officer in  
the same manner as the original appointment.

(d) The ex officio members are the executive directors of  
the Texas Historical Commission, the Texas Department of Commerce,  
and the Texas State Library and Archives Commission. An ex officio

1 member may designate a representative to serve in the member's  
2 absence. A representative designated under this subsection must be  
3 an officer or employee of the member's state agency.

4 (e) Each member is a voting member. The duties performed by  
5 a state officer or employee as a member of the commission  
6 constitute additional duties of the office or employment.

7 (f) Appointments of the public members to the commission  
8 shall be made without regard to the race, color, handicap, sex,  
9 religion, age, or national origin of the appointee.

10 (g) A member of the commission is not liable to civil action  
11 for any act performed in good faith in the execution of duties as a  
12 commission member.

13 (h) The commission is subject to the open meetings law,  
14 Chapter 271, Acts of the 60th Legislature, Regular Session, 1967  
15 (Article 6252-17, Vernon's Texas Civil Statutes), and the  
16 Administrative Procedure and Texas Register Act (Article 6252-13a,  
17 Vernon's Texas Civil Statutes).

18 SECTION 2. TERMS. Public members of the commission hold  
19 office for two years, and may be reappointed.

20 SECTION 3. OFFICERS. The commission shall elect one of its  
21 members to serve as chairman for a term of two years. The chairman  
22 shall have a vote on all matters before the commission.

23 SECTION 4. COMPENSATION. A public member of the commission  
24 may not receive compensation for serving on the commission. A  
25 public member is entitled to reimbursement for actual and necessary  
26 expenses incurred in performing functions as a member of the  
27 commission, subject to any applicable limitation on reimbursement

1 provided by the General Appropriations Act.

2 SECTION 5. MEETINGS. (a) The commission shall meet at  
3 least quarterly.

4 (b) The commission may meet at other times at the call of  
5 the chairman or as provided by the rules of the commission.

6 SECTION 6. EXECUTIVE DIRECTOR; STAFF. (a) The commission  
7 may employ an executive director. The executive director shall  
8 perform duties as assigned by the commission.

9 (b) The Texas Department of Commerce shall staff the  
10 commission. The executive director of the Texas Department of  
11 Commerce shall designate employees to serve as the staff of the  
12 commission.

13 SECTION 7. GENERAL POWERS AND DUTIES OF COMMISSION. (a)  
14 The commission may adopt rules as necessary for its own procedures.

15 (b) The commission shall coordinate state and local  
16 activities relating to the celebration of the bicentennial of the  
17 birth of Sam Houston.

18 (c) The commission may encourage individuals, private  
19 organizations, and local governmental bodies to organize  
20 appropriate activities, and may gather and disseminate information  
21 to the public relating to those activities.

22 (d) The commission may accept gifts and grants from any  
23 source to be used by the commission in performing its functions  
24 under this Act.

25 SECTION 8. REPORT. The commission shall report to the 72nd  
26 Legislature not later than February 1, 1991, relating to activities  
27 proposed by the commission.

1           SECTION 9. EXPIRATION.   This Act expires and the commission  
2 is abolished effective January 1, 1994.

3           SECTION 10. EMERGENCY. The importance of this legislation  
4 and the crowded condition of the calendars in both houses create an  
5 emergency and an imperative public necessity that the  
6 constitutional rule requiring bills to be read on three several  
7 days in each house be suspended, and this rule is hereby suspended,  
8 and that this Act take effect and be in force from and after its  
9 passage, and it is so enacted.

# HOUSE COMMITTEE REPORT

COMMITTEE REPORT

1st Printing

By Wallace

H.B. No. 2432

Substitute the following for H.B. No. 2432:

By D. Smith of Harris

C.S.H.B. No. 2432

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of a commission to coordinate the celebration of the bicentennial of the birth of Sam Houston.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. COMMISSION. (a) The Sam Houston Bicentennial Celebration Commission is composed of 13 appointed members and three ex officio members. Seven members shall be appointed by the governor, three members shall be appointed by the lieutenant governor, and three members shall be appointed by the speaker of the house of representatives.

(b) The members appointed by the governor shall be representatives of the public. The members appointed by the lieutenant governor shall be members of the senate at the time of their appointment. The members appointed by the speaker of the house of representatives shall be members of the house of representatives at the time of their appointment.

(c) A member of the state legislature vacates the person's position on the commission if the person ceases to be a member of the legislature. A vacancy is filled by the appointing officer in the same manner as the original appointment.

(d) The ex officio members are the executive directors of the Texas Historical Commission, the Texas Department of Commerce, and the Texas State Library and Archives Commission. An ex officio

1 member may designate a representative to serve in the member's  
2 absence. A representative designated under this subsection must be  
3 an officer or employee of the member's state agency.

4 (e) Each member is a voting member. The duties performed by  
5 a state officer or employee as a member of the commission  
6 constitute additional duties of the office or employment.

7 (f) Appointments of the public members to the commission  
8 shall be made without regard to the race, color, handicap, sex,  
9 religion, age, or national origin of the appointee.

10 (g) A member of the commission is not liable to civil action  
11 for any act performed in good faith in the execution of duties as a  
12 commission member.

13 (h) The commission is subject to the open meetings law,  
14 Chapter 271, Acts of the 60th Legislature, Regular Session, 1967  
15 (Article 6252-17, Vernon's Texas Civil Statutes), and the  
16 Administrative Procedure and Texas Register Act (Article 6252-13a,  
17 Vernon's Texas Civil Statutes).

18 SECTION 2. TERMS. Public members of the commission hold  
19 office for two years, and may be reappointed.

20 SECTION 3. OFFICERS. The commission shall elect one of its  
21 members to serve as chairman for a term of two years. The chairman  
22 shall have a vote on all matters before the commission.

23 SECTION 4. COMPENSATION. A public member of the commission  
24 may not receive compensation for serving on the commission. A  
25 public member is entitled to reimbursement for actual and necessary  
26 expenses incurred in performing functions as a member of the  
27 commission, subject to any applicable limitation on reimbursement

1 provided by the General Appropriations Act.

2 SECTION 5. MEETINGS. (a) The commission shall meet at  
3 least quarterly.

4 (b) The commission may meet at other times at the call of  
5 the chairman or as provided by the rules of the commission.

6 SECTION 6. GENERAL POWERS AND DUTIES OF COMMISSION. (a)  
7 The commission may adopt rules as necessary for its own procedures.

8 (b) The commission shall coordinate state and local  
9 activities relating to the celebration of the bicentennial of the  
10 birth of Sam Houston.

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12 organizations, and local governmental bodies to organize  
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16 source to be used by the commission in performing its functions  
17 under this Act.

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19 Legislature not later than February 1, 1991, relating to activities  
20 proposed by the commission.

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22 is abolished effective January 1, 1994.

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24 and the crowded condition of the calendars in both houses create an  
25 emergency and an imperative public necessity that the  
26 constitutional rule requiring bills to be read on three several  
27 days in each house be suspended, and this rule is hereby suspended,

C.S.H.B. No. 2432

1     and that this Act take effect and be in force from   and   after   its  
2     passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

May 3, 1989  
(date)

Sir:

We, your COMMITTEE ON CULTURAL AND HISTORICAL RESOURCES,

to whom was referred H.B. 2432 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

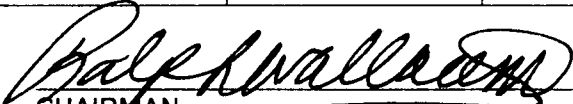
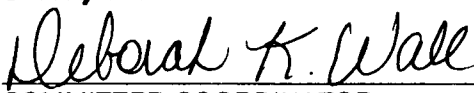
- ( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
A fiscal note was requested. (x) yes ( ) no                      An actuarial analysis was requested. ( ) yes (x) no  
An author's fiscal statement was requested. ( ) yes (x) no  
A criminal justice policy impact statement was prepared. ( ) yes (x) no  
A water development policy impact statement was requested. ( ) yes (x) no  
( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ( ) Consent, or ( ) Resolutions Calendar.  
This measure (x) proposes new law. ( ) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wallace, Ch.	X			
Willis, V.C.				X
Danburg, C.B.O.	X			
Brimer	X			
Haggerty	X			
Hill, F.				X
Smith, D.				X
Thomas				X
District 129 <del>XXXXXX</del> Jackson	X			

Total  
5 aye  
0 nay  
0 present, not voting  
4 absent

  
CHAIRMAN  
  
COMMITTEE COORDINATOR

## BILL ANALYSIS

H.B. 2432  
C.S.H.B. 2432

By: Wallace  
By: Smith, D.

relating to the creation and operation of a commission to coordinate the celebration of the bicentennial of the birth of Sam Houston.

### BACKGROUND

A gentleman whose achievements are respected in American history, Sam Houston is forever more a frontier hero.

After distinguishing himself in Army service, Houston studied law and was elected Attorney General of Tennessee. Shortly thereafter he was elected to two terms of Congress, and then was elected Governor of Tennessee. Houston resigned the Governorship and lived among the Cherokees before travelling to Washington on behalf of Indian rights.

In 1832 Houston came to Texas. Spurring on the war party, he was made Commander-In-Chief of Texas' armed forces, first by provisional government and then by the body of representatives who declared (on Houston's birthday) that Texas be an independent republic. Despite the fall of the Alamo to Mexican troops, Houston kept enlarging his fighting force and surprised Santa Anna's troops on the San Jacinto River. After the defeat of Mexico, Houston was overwhelmingly elected to a two year term as President of the Republic and favored the annexation of Texas to the United States. Houston later served again as President of the Republic for two additional terms.

After Texas joined the Union, Houston representated Texas in the United States Senate and was one of the few southern political leaders opposing secession. He was elected Governor of Texas in 1859 and served until deposed by secessionists.

March 3, 1993 will mark the 200th anniversary of Houston's birth. Texas' tradition of celebrating landmark events began with the 1932 constitutional amendment which authorized the Texas Centennial Commission to celebrate Texas' War of Independence and to "advertise Texas to the world." The federal government encouraged the celebration by issuing a commemorative three cent stamp and half-dollars.

The Texas Centennial of Statehood observed the 100th anniversary of Texas' annexation to the United States and again the federal government issued a three cent commemorative stamp.

The 66th State Legislature created the Texas 1986 Sesquicentennial Commission to celebrate the 150th anniversary of Texas' independance and the 70th Legislature authorized the Capitol Centennial Committee to celebrate the 100th birthday of the Capitol Building.

### PURPOSE

As proposed H.B. 2432 would create a state commission to encourage, plan and promote celebratory activities relating to the bicentennial of the birth of Sam Houston to once again "advertise Texas to the world."

SECTION-BY-SECTION ANALYSIS

SECTION I :

- (a) Describes the Sam Houston Bicentennial Celebration Commission as a thirteen member board with appointments made by the Governor, Lt. Governor and Speaker of the House.
- (b) Designates that the Governor's appointees be representatives from the public; that the Lt. Governor's appointees be members of the Senate; that the Speaker's appointees be members of the House.
- (c) Requires any position on the Commission be vacated if the elected official ceases to be a member of the Texas Legislature and requires that position be filled as previously prescribed.
- (d) Prescribes the ex-officio members be the executive directors of the Texas Historical Commission, the Texas Department of Commerce and the Texas State Library & Archives Commission; allows members to designate representatives from their agency.
- (e) Allows all members to vote and requires duties related to the commission be additional duties of employment.
- (f) Prohibits discrimination.
- (g) Exempts members of the commission from civil suits for performance of commission duties.
- (h) Requires the commission to operate under current applicable statutes.

SECTION II : Prescribes commission members terms expire with this Act.

SECTION III : Requires the commission to elect a chairman from the membership; prescribes the term of two years; allows the chairman a vote on all commission matters.

SECTION IV : Prohibits public commission members from receiving compensation for services but allows reimbursement for expenses as provided by current statute.

SECTION V :

- (a) Requires the Commission to meet quarterly.
- (b) Allows the Commission to meet at other times.

SECTION VI :

- (a) allows the commission to adopt rules for its procedures.
- (b) requires the commission to coordinate state and local celebratory activities.
- (c) allows the commission to encourage the organization of celebrations and allows them to gather and disburse such information.

H.B. 2432 by Wallace  
C.S.H.B. 2432 by Smith, D.  
Page Three

- (d) allows the commission to accept and use gifts and grants in the performance of their duties.

SECTION VII : Requires the commission to report to the 72nd Legislature by February 1, 1991 regarding proposed activities.

SECTION VIII: Effective date of expiration and abolishment of the commission is January 1, 1994.

SECTION IX : Emergency Clause.

#### RULEMAKING AUTHORITY

C.S.H.B. 2432 designates rulemaking authority to the Sam Houston Bicentennial Celebration Commission in proposed SECTION VI which allows the adoption of rules for its procedures.

#### COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2432 differs from the original H.B. 2432 in that the commission is expanded by four members from the public and that the employment of an executive director and staff by the Department of Commerce has been deleted.

#### SUMMARY OF COMMITTEE ACTION

Pursuant to a public notice posted on March 30, 1989, the COMMITTEE ON CULTURAL & HISTORICAL RESOURCES met in a public hearing on April 5, 1989. The Chair laid out H.B. 2432 and recognized the author, Rep. Wallace, for introduction. The following person testified for the bill: Al Davis, representing himself. There being no objection to a motion by Rep. Haggerty, the Chair ordered the bill be sent to subcommittee. On April 27, 1989, the subcommittee was named as follows: Rep. Jackson, Chair; Rep. Smith, D. and Rep. Thomas.

Pursuant to an announcement made while the House was still in Session, the Subcommittee on H.B. 2432 met in a formal meeting on May 1, 1989. The Chair laid out H.B. 2432 and recognized Rep. Smith who offered a complete committee substitute. Upon a motion by Rep. Smith, the substitute was adopted with no objection. Rep. Smith moved that H.B. 2432 be reported favorably to the Committee as substituted, with the recommendation that it do pass. The motion prevailed by the following vote: 3 ayes, 0 nays, 0 present not voting, 0 absent.

Pursuant to a suspension of the 48-hour subcommittee layout rule made while the House was still in Session on May 3, 1989, the COMMITTEE ON CULTURAL & HISTORICAL RESOURCES met in a public hearing on May 3, 1989. The Chair laid out H.B. 2432 on subcommittee report. There being no objection, the Chair ordered to adopt the subcommittee report. Rep. Jackson made a motion that H.B. 2432 as substituted be reported to the full House with a favorable recommendation that it do pass. The motion prevailed by the following vote: 5 ayes, 0 nays, 0 present not voting, 4 absent.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 5, 1989

TO: Honorable Ralph R. Wallace, III, Chair In Re: Committee Substitute for  
Committee on Cultural and Historical Resources House Bill No. 2432  
House of Representatives  
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 2432 (relating to the creation and operation of a commission to coordinate the celebration of the bicentennial of the birth of Sam Houston) this office has determined the following:

No significant fiscal implication to the State is anticipated.

No significant fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Department of Commerce;  
LBB Staff: JO, JWH, AL, PVT, CKM

\$SH-9

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 5, 1989

TO: Honorable Ralph R. Wallace, III, Chair  
Committee on Cultural and Historical Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2432  
By: Wallace

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2432 (relating to the creation and operation of a commission to coordinate the celebration of the bicentennial of the birth of Sam Houston) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would establish a twelve-member Sam Houston Bicentennial Celebration Commission. The Commission would coordinate state and local activities relating to the celebration of the birth of Sam Houston (March 2, 1793).

The Department of Commerce would be required to provide staff for the Commission. The Commission would report to the Seventy-second Legislature relating to activities proposed by the Commission.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1989</u>
1990	\$104,890	+ 2
1991	104,890	+ 2
1992	119,890	+ 2
1993	137,302	+ 3
1994	-0-	-0-

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Department of Commerce;  
LBB Staff: JO, JWH, AL, PVT, PA

H. B. No. 2432

By Wallace

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of a commission to coordinate the celebration of the bicentennial of the birth of Sam Houston.

MAR 9 1989

1. Filed with the Chief Clerk.

MAR 28 1989

2. Read first time and Referred to Committee on

Cultural & Historical Resources

MAY 3 1989

3. Reported favorably ~~(as amended)~~ (as substituted) and sent to Printer at 1:10 pm

MAY 8 1989

MAY 8 1989

4. Printed and distributed at 9:14 pm

MAY 10 1989

5. Sent to Committee on Calendars at 9:23 am

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)  
(Substitute) by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

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